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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/032,707	01/02/2002	Idan Feigenbaum	P-2692-US1	6195

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EXAMINER

NEURAUTER, GEORGE C

ART UNIT PAPER NUMBER

2143

DATE MAILED: 09/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/032,707

Applicant(s)

FEIGENBAUM, IDAN

Examiner

George C. Neurauter, Jr.

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 July 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-13 and 15-25 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-13 and 15-25 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 02282005.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

Claims 1, 3-13, and 15-25 are currently presented and have been examined.

Response to Arguments

Applicant's arguments, see pages 8-11 of the response filed 20 July 2005, with respect to the rejection(s) of claim(s) 1, 3-13, and 15-25 under "GetRight" have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of "GetRight".

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 3-13, and 15-25 are rejected under 35 U.S.C. 102(a) as being anticipated by "GetRight 4.1 Help Guide" ("GetRight").

Regarding claim 1, "GetRight" discloses a system for downloading a file from a computer, the system comprising:

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a retrieval module for retrieving a plurality of portions of a file from a plurality of computers ("servers"), wherein at least a first of said portions ("segment" or "piece") is retrieved from a first one of said computers and at least a second of said portions is retrieved from a second one of said computers; an assembling module to assemble said file from said plurality of portions; ("segmented downloading"; section "Segmented Downloading", specifically "If there are several servers where a file can be downloaded, GetRight can segment the file and download different pieces from different servers...") and

a determination module for determine the presence of said file on each of said computers; (section "Mirrors Tab", specifically "GetRight can track many possible addresses (URLs) from where a file may be downloaded."; section "Segmented Downloading", specifically "If there are several servers where a file can be downloaded, GetRight can segment the file and download different pieces from different servers..." and "You must have at least that number of alternate addresses (mirrors for the file...")

wherein said first of said portions and said second of said portions are substantially simulataneously downloaded to said computer. ("segmented downloading"; section "Segmented

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Downloading", specifically "If there are several servers where a file can be downloaded, GetRight can segment the file and download different pieces from different servers at the same time")

Regarding claim 3, "GetRight" discloses a system according to claim 2 wherein said determination module is operative to:

determine the presence of said file on a primary computer ("fastest" server) and determine whether said file on each of said plurality of computers is a duplicate ("mirror" or "alternate") of said file on said primary computer. (section "Mirror Tab", specifically "GetRight will find the fastest of the different addresses to improve your download speeds. Also, if one server is busy, or if GetRight is unable to reconnect to a server, it automatically switches to use a different alternate URL for the file.")

Regarding claim 4, "GetRight" discloses a system according to claim 2 wherein said determination module is operative to determine that said files on each of said computers have at least one file characteristic in common. (section "Mirror Tab", specifically "GetRight does check that the files for alternates are exactly the same size as the original file...")

Regarding claim 5, "GetRight" discloses a system according to claim 1 and further comprising:

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a receiver module for receiving a list of the addresses of said computers from a query-capable computer. (section "Mirror Tab", specifically "GetRight can automatically use one of the sites which allows searching for many addresses where a file may be found.")

Regarding claim 6, "GetRight" discloses a system according to claim 1 wherein the determination module is operative to determine:

the performance of said computers and to rank said computers from best performing to worst performing, and wherein the retrieval module is operative to retrieve from a selected plurality of said computers selected portions in order of their ranking from best performing to worst performing. (section "Mirror Tab", specifically "Find fastest server: This option allows GetRight to calculate the fastest server for downloading in the list of alternates. Once it has found the fastest server in the list of alternates, it will switch to downloading from that server...GetRight will periodically recalculate the speeds to all the servers. If the current server is no longer the fastest server, GetRight will switch to the current fastest server.")

Regarding claim 7, "GetRight" discloses a system according to claim 6 wherein the determination module is operative to

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determine the response time of said computers. (section "Mirror Tab", specifically "Find fastest server: This option allows GetRight to calculate the fastest server for downloading in the list of alternates. Once it has found the fastest server in the list of alternates, it will switch to downloading from that server)

Regarding claim 8, "GetRight" discloses a system according to claim 6 wherein the determination module is operative to determine the throughput of said computers. (section "Mirror Tab", specifically "Switch servers if getting less than XX bytes per second: This option enables GetRight to change to a different server if the server is sending data very slowly.")

Regarding claim 9, "GetRight" discloses a system according to claim 1 wherein the retrieval module is operative to:

discontinue retrieving any of said portions from any of said computers that provides its portion at a performance level that falls below a predefined performance level; and continue retrieval of said retrieval-discontinued portion from any other of said computers. (section "Mirror Tab", specifically "Switch servers if getting less than XX bytes per second: This option enables GetRight to change to a different server if the server is sending data very slowly. If the average for several minutes

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is less than the number of bytes per second entered, then GetRight will switch to an alternate URL.")

Regarding claim 10, "GetRight" discloses a system according to claim 1 wherein the retrieval module is operative to:

discontinue retrieving any of said portions from any of said computers that provides its portion at a performance level that falls below a predefined performance level; and continue retrieval of said retrieval-discontinued portion from a computer other than any of said computers. (section "Mirror Tab", specifically "GetRight can automatically use one of the sites which allows searching for many addresses where a file may be found." and "Switch servers if getting less than XX bytes per second: This option enables GetRight to change to a different server if the server is sending data very slowly. If the average for several minutes is less than the number of bytes per second entered, then GetRight will switch to an alternate URL.")

Regarding claim 11, "GetRight" discloses a system according to claim 1 wherein the retrieval module is operative to retrieve using File Transfer Protocol (FTP). (section "Key Features", specifically "Easily resume downloads that have been disconnected--from both HTTP and FTP addresses.")

Regarding claim 12, "GetRight" discloses a system according to claim 1 wherein the retrieval module is operative to retrieve

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using Hypertext Transfer Protocol (HTTP). (section "Key Features", specifically "Easily resume downloads that have been disconnected--from both HTTP and FTP addresses.")

Claims 13 and 15-24 are rejected since claims 13 and 15-24 recite a method that contains substantially the same limitations as recited in claims 1 and 3-12 respectively.

Claim 25 is rejected since claim 25 recites a computer program embodied on a computer-readable medium that contains substantially the same limitations as recited in claim 1.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miu, Allen et al. "Hornet: Parallel Data Transfer From Multiple Servers", 1 October 1999,
<nms.lcs.mit.edu/~aklmi/comet/proposal.html>, 4 pages.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS

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of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

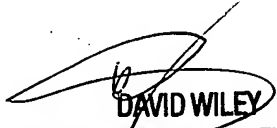
Any inquiry concerning this communication or earlier communications from the examiner should be directed to George C. Neurauter, Jr. whose telephone number is (571) 272-3918. The examiner can normally be reached on Monday through Friday from 9AM to 5:30PM Eastern.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Wiley can be reached on (571) 272-3923. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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